

18 MAR 1974

MEMORANDUM FOR: Legislative Counsel

ATTENTION :

SUBJECT : S. 2963 and S. 2964, Bills on Criminal
Justice Information Systems

REFERENCE : Memorandum from Legislative Counsel, dated
8 February 1974, same subject, OLC 74-0162

1. In response to reference a review of subject bills has been completed. Although both bills are primarily directed toward criminal justice agencies, they would seriously impact on Office of Security operations.

3. Under Section 5 of the Administration bill, S. 2964, access would be permitted to this type of information by non-law enforcement agencies on determination by the Attorney General that such access is required for reasons of national defense, foreign policy considerations or that such access is expressly provided for by statute or Executive Order. Should the Attorney General grant access under this prerogative, it appears the Administration bill would have minimal impact on our current investigative

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4. The subject proposed legislation could affect other activities of the Office of Security not readily apparent at this time. As an example, information now in investigative files may be interpreted as criminal justice information, thereby coming under the purview of the legislation. The consequent purging of existing files, if deemed necessary, would be a monumental file-by-file task. Further, problems may develop from the specific prohibition against storage of any criminal intelligence information in computer systems (S. 2963) if and when we wished to mechanize files containing this information.

5. It seems in today's environment that some form of data privacy legislation will be enacted by the Congress in the near term. Though in agreement with the need for legislation in this area, I feel it is necessary that this Agency be exempted from those aspects of such legislation that would impair our ability to meet our responsibilities for protecting the national security.

/s/ John F. Blake

John F. Blake
Acting Director of Security

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